

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

CARL RAYMOND DOLAN

§

VS.

§

CIVIL ACTION NO. 4:03cv223

DIRECTOR, TDCJ-CID

§

ORDER

The court previously entered a Final Judgment dismissing this petition for writ of habeas corpus as barred by the applicable statute of limitations. Petitioner has filed a notice of appeal, which the court construes as a request for a certificate of appealability. Such a certificate is required in order to appeal this court's Final Judgment.

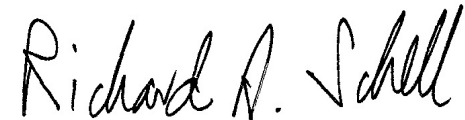
A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." *Barefoot v. Estelle*, 463 U.S. 880 (1982); *Butler v. Byrne*, 845 F.2d 501 (5th Cir. 1988). This standard means that the movant must demonstrate that the issues raised are subject to debate among jurists of reason, that a court could resolve the issues in a different manner, or that the questions are worth encouragement to proceed further. The court must either issue a certificate of appealability indicating which issues satisfy the

applicable standard, or must state the reasons why such a certificate should not issue. FED. R. APP. P. 22(b).

In this case, the standards for issuance of a certificate of appealability are not met. For the reasons set forth in the findings and conclusions previously adopted, the court finds that the question of whether this petition is barred by the applicable statute of limitations is not subject to debate among jurists of reason. It is therefore

ORDERED that the request for a certificate of appealability is **DENIED**.

SIGNED this the 6th day of December, 2007.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The middle initial "A." is written in a smaller, simpler script. The last name "Schell" is written with a large, prominent "S" and a long, sweeping tail that extends to the right.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE